IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1499 of 2002

For Approval and Signature:

HONOURABLE MR.JUSTICE JAYANT PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ? **-No.**

2 To be referred to the Reporter or not ? **-No.**

3 Whether their Lordships wish to see the fair copy of the judgment ? **-No.**

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ? **-No.**

5 Whether it is to be circulated to the civil judge ? **-No.**

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HARJIBHAI VAGHJIBHAI PATEL - Appellant(s)
Versus
M/S ADITYA CARGO TRANSPORT & 2 - Defendant(s)

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Appearance :

MR SHAKEEL A QURESHI for Appellant(s) : 1,
SERVED BY AFFIX.-(R) for Defendant(s) : 1, 3,
MR KISHOR M PAUL for Defendant(s) : 1,
MR PV NANAVATI for Defendant(s) : 2,
MR VIBHUTI NANAVATI for Defendant(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE JAYANT PATEL

Date : 12/10/2007

ORAL JUDGMENT

Present appeal is against the order dated

10/7/2001 passed by the Tribunal for interim compensation of Rs.25,000/-. However, it appears that the direction has been issued by the Tribunal against the opponent no.3 and not against the insurance company and therefore, the present appeal is preferred by the appellant for modification of the order.

The main claim petition is of year 1997 being MACP No.49 of 1997. Considering the facts and circumstances, no useful purpose would be served in deciding the question at this stage which are raised in the present appeal so far as the liability of the insurance company and in stead of the same, it would be proper to direct the Tribunal to decide the claim petition no.49 of 1997 within some reasonable time.

The learned counsel for the appellant is not in a position to declare before the Court as to whether the opponent no.3 has deposited the amount with the Tribunal or not as per the interim award for interim compensation.

Hence, the present appeal is disposed of with a direction that the Tribunal shall make attempt to decide the claim petition no.49 of 1997 as early as possible preferably within six months from the receipt of the order of this Court. First Appeals is disposed of accordingly. No order as to cost.

(JAYANT PATEL, J.)

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